

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Twelfth Judicial District Court, County of Hill

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-09-140
-vs-	)	
	)	DECISION
FRANCIS JAMES BUCK, III,	)	
	)	
Defendant.	)	

On August 15, 2016, the District Court revoked the Defendant's suspended sentence for violating the conditions of his probation, and sentenced the Defendant to a commitment to the Department of Corrections for a period of five (5) years, for the offense of Criminal Production of Manufacture of Dangerous Drugs, a Felony. The Court granted the Defendant credit for 106 days previously served. The Court further ordered the Defendant to pay all fines, costs, fees, and any other financial obligations ordered by the sentencing court in the original Judgment entered September 26, 2011.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2<sup>nd</sup> day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson



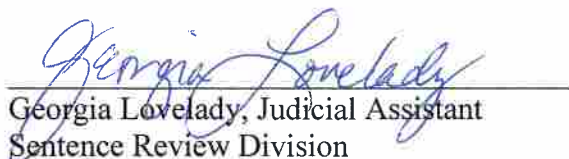
Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 9<sup>th</sup> day  
of March, 2017, to:

Clerk of District Court (Original)  
Francis James Buck, III #41781, Defendant (2)  
Hon. Daniel A. Boucher  
Brent Getty, Defense Counsel  
Karen Alley, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division